

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 20-29
)	
COREY P. POLLARD,)	
KIRK L. PRICE, and)	
DENNIS HAIRSTON)	

PRETRIAL SCHEDULING ORDER

AND NOW, this 13th day of July 2023, it is hereby ORDERED as follows:

A. Pretrial Order

1. **Jury Selection & Trial.** Jury selection is scheduled for September 20, 2023, at 9:00 AM in Courtroom 8A, 8th Floor, United States Courthouse, 700 Grant Street, Pittsburgh, Pennsylvania. Trial will begin immediately after jury selection.¹

2. **Final Pretrial Conference:** A Final Pretrial Conference: is set for September 15, 2023, at 9:00 AM in Courtroom 8A, 8th Floor, United States Courthouse, 700 Grant Street, Pittsburgh, Pennsylvania.

3. **Exchange of Witness Lists and Exhibits**

a. **Government Witness List.** The government shall file with the Court a list of trial witnesses, under seal, listing separately the witnesses it will call and the witnesses it may call if needed (other than purely for impeachment or rebuttal). Said witness list need not be served on defendant and shall be due September 5, 2023.

¹ Defendant Kirk L. Price has an outstanding Motion to Sever, which will be ripe after Defendant's Reply is filed. Regardless of the resolution of the Motion to Sever, trial of this matter will begin on the date set herein.

b. **Defense Witness List** . Each Defendant shall file with the Court, under seal, his or her list of trial witnesses, excluding the defendant himself, listing separately the witnesses each Defendant will call and the witnesses they may call if needed (other than purely for impeachment or rebuttal). Said witness list need not be served on the government and shall be due September 14, 2023.

c. **Exhibits** . Copies of exhibits to be displayed to the jury are to be provided to the Court in binders. Counsel and parties representing themselves shall plan to submit a copy of their Exhibit Binders to the Court in the week prior to trial, but no later than September 18, 2023. Counsel and parties representing themselves shall provide to the Court Reporter copies of all exhibits referred to during the course of the trial.

Voluminous data shall be presented by summary exhibits pursuant to Fed. R. Evid. 1006, and voluminous exhibits shall be redacted to eliminate irrelevant material (which shall remain available for examination by opposing counsel and parties representing themselves). Where copies of documents are offered, the originals shall be available for examination, unless waived by stipulation.

4. **Jencks Act - Impeachment Materials - Rule 404(b)** . The government shall provide defense counsel and parties representing themselves with copies of any Brady/Giglio impeachment materials not previously disclosed, and any evidence of defendant's uncharged conduct which it intends to introduce at the trial pursuant to Federal Rule of Evidence 404(b), as specified in a prior pretrial Order, or no later than September 8, 2023. The government has indicated it will provide Jencks Act material ten days prior to trial, or September 8, 2023. The

government is encouraged to provide all Jencks Act materials prior to the pretrial conference on September 15, 2023, or in the alternative, in sufficient time to permit counsel to review such materials so as to eliminate the need for a delay in the trial.

5. **Motions.** Counsel and parties representing themselves shall file all motions in limine, including motions under Federal Rule Evidence 104(a) and motions to limit or sever issues, together with supporting briefs or memoranda of law, by August 25, 2023.

Responses shall be filed within seven days of any motion being filed or by September 1, 2023. All briefs supporting or opposing such motions are limited to five pages, unless enlarged by order of Court. The Court, in its discretion, may postpone consideration of such motions until a ruling is required during the trial.

6. Neutral Summary, Voir Dire, Joint Proposed Jury Instructions, and Verdict Slip.

The Neutral Summary, Voir Dire, Joint Proposed Jury Instructions, and Verdict Slip are all due by September 1, 2023. The Neutral Summary, Voir Dire, Joint Proposed Jury Instructions, and Verdict Slip must be submitted in Word compatible format via electronic mail to horan_chambers @pawd.uscourts.gov

a. **Neutral Summary of the Indictment .** A neutral summary of the indictment and a brief statement of the defendants will be read to the venire before jury selection as required by Local Criminal Rule 24.2.A.2. Counsel shall confer and agree upon a neutral

summary of the indictment² to be read to the venire. The brief statement of the defense, unless otherwise requested by counsel, will be stated substantially as: “[Defendant’s Name] *has pleaded “not guilty” to these charges, and he has elected to be tried by a jury.*”

b. **Voir Dire** . Voir Dire of jurors will be in accordance with Local Criminal Rule 24.2. Counsel and parties representing themselves are permitted to file in writing proposed supplemental voir dire questions to the questions set forth in Local Criminal Rule 24.2.B. and 24.2.C, and the Court’s standard questions.

c. **Joint Proposed Jury Instructions**. Counsel and parties representing themselves shall meet in an attempt to agree on a joint set of proposed substantive jury instructions regarding the offenses charged and their elements, the theory of the defense, and any matters particular or unique to this case; the parties need not submit “boilerplate” or standard criminal jury instructions. Government counsel shall file a single, combined set of proposed jury instructions indicating the agreed upon instructions and the proposed instructions to which the parties have not agreed.

d. **Verdict Slip**. Counsel and parties representing themselves shall submit proposed Verdict Slips, or a Joint Proposed Verdict Slip.

² The neutral summary need not be detailed but shall contain a sufficient description so as to inform the venire of the nature of the charges. For example: unlawful possession of controlled substances, unlawful distribution of controlled substances, etc. (and identify the controlled substances, such as cocaine, heroin, fentanyl, etc.); unlawful possession of a firearm, possessing a firearm in furtherance of a drug trafficking crime; wire fraud; money laundering; etc.

7. **Joint Stipulations.** The parties shall file joint stipulations seven days prior to trial or by September 13, 2023. Counsel and parties representing themselves shall meet at a mutually convenient time and place to produce the joint stipulation in time for filing as ordered. All possible stipulations shall be made as to:

- a. Facts;
- b. Issues to be decided;
- c. The authenticity and admissibility of exhibits;
- d. Expert qualifications and reports; and
- e. Deposition testimony to be read into the record.

BY THE COURT:

s/Marilyn J. Horan
Marilyn J. Horan
United States District Judge